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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL ANTHONY HARSHA,

Defendant and Appellant.

2d Crim. No. B207793
(Super. Ct. No. 2007024030)
(Ventura County)

Michael Anthony Harsha appeals the judgment following his entry to a guilty plea of carrying a concealed knife on his person and his admission that he had three prior strike convictions and had served three prior prison terms (Pen. Code, §§ 12020, subd. (a)(4), 667, subds. (c) & (e), 667.5, subd. (b)). The trial court sentenced him to two years eight months state prison, consisting of the low term of 16 months doubled for one of the strike priors. The remaining strike priors and prison term enhancements were stricken in the interest of justice. He was awarded 45 days presentence custody credit.¹

¹ Harsha's appeal is limited to the court's finding that the additional 231 days he spent in custody prior to sentencing were attributable to a revocation of his parole that was not based solely on his commission of the instant offense. (See *People v. Bruner* (1995) 9 Cal.4th 1178, 1193-1194.) The probation report reflects that Harsha's parole

Harsha pled guilty prior to the preliminary hearing. Pursuant to the plea agreement, the factual basis for Harsha's conviction is derived from the probation officer's report. On June 25, 2007, Harsha was stopped for a traffic violation while riding a motorcycle. After Harsha stated that he was on active parole, he was subjected to a patdown search and found to be in possession of a knife with a two-inch blade.

We appointed counsel to represent Harsha on appeal. After examining the record, counsel filed an opening brief in this court raising no issues and requesting that we independently examine the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

On September 10, 2008, we advised Harsha that he had 30 days in which to submit a written brief or letter stating any contentions or arguments he wished us to consider. We received no response.

We have reviewed the record and are satisfied that Harsha's attorney has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

The judgment is affirmed.

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PERREN, J.

We concur:

YEGAN, Acting P.J.

COFFEE, J.

was revoked after his arrest for the current offense as well as his failure to report for drug testing on two different occasions.

Bruce A. Clark, Judge
Superior Court County of Ventura

California Appellate Project, Jonathan B. Steiner, Executive Director, and
Richard B. Lennon, Staff Attorney, for Appellant.

No appearance for Respondent.